SW/S Reisterstown Road at NW/S intersection w/Sherwood Avenue (1000 & 1/2 Reisterstown Road) 3rd Election District 2nd Councilmanic District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

Paul Goodman Petitioner

* * * * * * * * *

* BEFORE THE

* Case No. 94-137-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Paul Goodman. The Petitioner seeks relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 0 off-street parking spaces in lieu of the required 22 spaces and to amend the previously approved site plan in Case No. 88-229-A accordingly, for a proposed restaurant/bar expansion, in accordance with Petitioner's Exhibit 5.

Appearing on behalf of the Petition were Jeff Goodman, son of the Petitioner and owner, Paul Goodman, Donald Gorman, proprietor of Puffins Restaurant, Lessee of the subject property, Gabriel W. Rosenbush, Jr. on behalf of the Pikesville Chamber of Commerce, George Hale, Director of the Baltimore County Revenue Authority, and David Uhlfelder, President of the Greater Baltimore Cultural Arts Foundation, Inc. The Petitioner was represented by Howard Needle, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1000 & 1/2 Reisterstown Road, consists of a gross area of 0.029 acres, more or less, zoned B.L.-C.N.S., and is improved with a one-story brick building which is currently vacant. The Petitioner also owns the adjoining property, known as 1000 Reisterstown Road, which is the site of the Puffins Restaurant. That property was the subject of prior Case No. 88-229-A in which the Petitioner was granted a variance to permit four (4) off-street parking spaces in lieu of the then required 42 spaces for the Puffins Restaurant by Order issued December 18, 1987. The proprietor of Puffins now proposes to expand the restaurant by utilizing the space on the subject property. The proposed 1,360 sq.ft. expansion will provide seating for an additional 50 restaurant/bar patrons. As a result of the proposed expansion, the relief requested is necessary as there will be no on-site parking spaces available once the expansion is completed.

Mr. George Hale, Director of the Baltimore County Revenue Authority, appeared and testified on behalf of the Petitioner. Mr. Hale testified that his office performed an informal study on three of the public parking facilities located within a short distance of the subject site. On the three days this informal study was conducted, none of the three parking facilities studied were filled to capacity. Mr. Hale further testified that the Revenue Authority will lease parking spaces at some locations to private businesses at a cost of \$25 per space, per month. However, he did state that he was not aware of whether any of the three parking facilities in question had space available for rental.

Mr. Donald Gorman, owner and proprietor of the Puffins Restaurant, appeared and testified on behalf of the variance request. Mr. Gorman testified that he has lived in the area for the past 51 years and has operated the Puffins Restaurant from the subject site for the past 6 years. Mr. Gorman testified that the proposed 1,360 sq.ft. expansion will allow him to provide a light fare restaurant and bar area for his customers. He further testified that he only continues to maintain his business at this location due to the anticipated renovation of the Pikes Theatre which is located a short distance away from the subject site and is expected to

- 2-

bring more business to the area.

ED FOR FILING

Mr. Jeff Goodman testified on behalf of his father, Paul Goodman, owner of the subject property. Mr. Goodman testified that Puffins Restaurant provides a much needed service to this area of Pikesville. He testified that the building is attractive and Puffins is an excellent tenant for this site. Mr. Goodman testified that if the relief requested is not granted, Puffins will be forced to relocate to another location and the existing building will become vacant.

Mr. Gabriel Rosenbush, Chairman of the Zoning Committee for the Pikesville Chamber of Commerce, and Mr. David Uhlfelder, President of the Greater Baltimore Cultural Arts Foundation, Inc., appeared and testified in support of the relief requested. Mr. Rosenbush submitted a letter of support from the Pikesville Chamber of Commerce; however, as is the case in many variance requests, the Chamber has requested that two conditions be placed on the granting of any relief in this instance. I find that the conditions requested by the Chamber to be imposed upon the Petitioner are reasonable and I will include same as restrictions in my Order. In addition, I will provide an avenue for the Chamber, the property owner and tenant to mediate any future problems that might arise as a result of the two conditions being imposed to avoid any unreasonable or unfair burdens

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

> unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would

NED FOR FILL

Zoning Regulations (B.C.Z.R.) to permit 0 off-street parking spaces in lieu of the required 22 spaces and to amend the previously approved site plan in Case No. 88-229-A accordingly, for a proposed restaurant/bar expansion, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED, sub-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed. the relief granted herein shall be rescinded.

2) In the event the variance granted herein is not utilized within a period of two (2) years from the date of this Order, or, in the event the use proposed should cease and a new and different use is utilized, then the variance granted herein shall cease and the property will revert to its current zoning and applicable parking regulations as approved in prior Case No.

3) In the event that any new parking facilities, public or private, are established within 500 feet of the subject property, for which there is a charge and which are made available to the public during normal business hours, the Petitioner shall negotiate in good faith and subsequently enter into an agreement which is economically feasible to the Petitioner and which will provide either for a lease, a purchase, a validation program or any similar program which may be approved by the Zoning Commissioner, to offset the parking variance for the specific use which is being proposed at this time.

4) In the event that the Chamber of Commerce and the Petitioner/Lessee are unable to agree to the terms and conditions of Restrictions 2 and 3 set forth above. then either the Chamber of Commerce or the Property Owner/Lessee shall be permitted to request a special hearing to mediate any problem that they may have in order to comply with the requirements of Restrictions 2 and 3 above.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

water Kotroco Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Howard J. Needle, Esquire 11100 Reisterstown Road Owings Mills, Maryland 21117

SW/S Reisterstown Road at its intersection w/the NW/S of Sherwood

December 1, 1993

(1000 & 1/2 Reisterstown Road) 3rd Election District - 2nd Councilmanic District Paul Goodman - Petitioner Case No. 94-137-A

Dear Mr. Needle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Deputy Zoning Commissioner for Baltimore County

Very truly yours,

cc: Mr. Gabriel W. Rosenbush, Jr. Pikesville Chamber of Commerce, 7 Church Lane, Pikesville, Md. 21208

Mr. Donald Gorman Puffins, Inc., 1000 Reisterstown Road, Pikesville, Md. 21208

People's Counsel

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1000; Reisterstown Road This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undereigned, legal owner(e) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2 to permit zero off street parking spaces in lieu of the required 22 spaces and to amend the site plan of previous Case No. 88-229A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1. Puffins, Inc. currently operates a restaurant in the adjacent property, 1000 Reisterstown Road, and needs space to expand into the subject property with a

2. Two Revenue Authority lots across the street from this site have been provided for the purpose of allieviating parking needs in the area, and grant of this variance will provide usage for those underutilized lots.

Property is to be posted and advertised as prescribed by Zoning Regulations. i, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this polition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Puffins Inc. Puffins Inc. Type or Phan Numer Signature Donald Colores Address Pikesville, M		Who do externity declare and affirm, under the penalties of perjury, that these are the lagal crimerital of the property which is the subject of this Petition Legal Owner(s) Part Goodman (Type or Print Name)
Alternay to Petitioner HOWard J. Need Mugard Print Name) Hungdire Hungdire Hungdire Hungdire Hungdire	Grato Apredo	Village of Cross Nays 323-6800 Address Phone No. Baltimore, MD 21210 Cay Pale Name, Address and phone number or representative to be contacted. Name
Printed with Soyboan ink on Resysted Paper	MD 21117 State Fpeode	SPICE LINE CANY SOTIMATED LINEATH OF HIBARING Universitable for Handriff the following dates GTHER GTHER GRANIEWED EN

to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and 3) whether relief can be granted in such fashion

2) whether the grant would do substantial injustice

that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B. C.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special dircumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel In addition, the variance requested will not cause any injury to the punlic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15+ day of December, 1993 that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County

ZONING DESCRIPTION

BEGINNING at a point on the Southwest side of Reisterstown Road which is 66 feet wide at the intersection with the Northwest side of Sherwood Avenue which is 50 feet wide. Thence the following courses and distances, vis: Northwesterly , binding on the Southwest side of Reisterstown Road 79 feet and 1 inch. thence Southwesterly 116 feet 6 1/4 inches, thence Southeasterly 79 feet to intersect the Northwest side of Sherwood Avenue, thence binding on said Northwest side of Sherwood Avenue, Northeasterly 120 feet to the place of beginning. As recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. 5431 folio 923.



TE44151

<u>8</u>%

ject to the following restrictions:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-137-14

- I	Date of Posting 10/15/93
District 3x-di	Date of Posting
Posted for: Potitioner: Paul Good No.	
Patitioner: Location of property: 1000% Re-	13 tous town Rd Nwlor Pristons town Rd & Shorwood
Location of Signs: Feeling Thank	woj on proporty buing 20n-d.
some No Postus de	- Postod in window of Bailding
Posted by Mily tealey	Date of return: 10/32/23
Signature Number of Signs: /	

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ţ.;;	Bull'more for why Zoning Administration & Development Management
	111 West Chesaprake Avenue Towson, Maryland 21204

odiesen

Account: R-001-6150

#131 (RT)

#110 - REVISIONS ------ \$100.00 (Revised Petition & Plat) Paul Goodman

1000 Reisterstown Road District: 3c2 Attorney: Howard J. Needle

> OIAULMUOBOMICHRC Please Make Checks Payable To: Baltimere County

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353 OCT. O 4 1998

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

NOTICE OF HEARING

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-137-A (Item 131) 1002 Reisterstown Road 10001/2 NWC Reisterstown Road and Sherwood Avenue 3rd Election District - 2nd Councilmanic Legal Owner(s): Paul Goodman Contract Purchaser(s): Puffins, Inc.

111 West Chesapeake Avenue

Towson, MD 21204

HEARING: TURSDAY, NOVEMBER 9, 1993 at 9:00 a.m. in Rm. 106, County Office Bulding.

Variance to permit a 4 off-street parking spaces in lieu of the required 27.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMUDATIONS PLEASE CALL 887-3353.

Baltimera County Zoning Administration & Development Management
111 West Chesapeake Avenue
Townson, Maryland \$1204 Date 9-21-23

P. GOODMAN 1002 REISTERSTOWN RD. PIKESVILLE, MO 21208

> 020 - VARIANCE - \$ 25000 080 - SIGN -\$ 3500

> > 01A01#0144MICHRC BA C011:31AM09-21-93

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

PHONE NUMBER: 486-8811

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Item No.: /3/ Petitioner: Paul Goodman/Puffins Cafe Location: 1002 Restention Rd PLEASE FORWARD ADVERTISING BILL TO:

(Revised 04/09/93)

Maryland Department of Transportation State Highway Administration

October 7, 1993 Imms - Jeffersonier

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by suthority of the Zoning Act and Requistions of Baltimore

Room 118, Old Courthouse, 400 Mashington Avenue, Tommon, Maryland 21204 as follows:

Room 106 of the County Office Building, 111 W. Chesepeeks Avenue in Townon, Maryland 21,204

County, will hold a public hearing on the property identified herein in

1000 Reisterstonn Road Pikesville, Maryland 21208

CASE HUMBER: 94-137-A (Item 131)

Legal Owner(s): Paul Goodman

LANGUECE E. SCHOOLDT

MiC Reisterstown Road and Sharwood Avenue

3rd Election District - 2nd Councilmanic

Contract Purchaser(s): Puffins, Inc.

ZOWIEG COMMISSIONER FOR BALTIMORE COURTS

1002 Reisterstown Road — 1000 72

HEARING: TUESDAY, HOVEMBER 9, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

HOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR IMPOSMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 807-3391.

Variance to permit a 4 off-street parking spaces in lieu of the required 27.

410-486-8811

O James Lighthizer Hal Kassoff

10-1-93 Re: BALTIMCKE CO.
Item No.: +131 (RT)

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 8, 1993 Zoning Administration and Development Management

FROM Development Plan Review Section

RE: Zoning Advisory Committee Meeting for October 12, 1993 Item No. 131

The Development Plan Review Section has reviewed the subject zoning item. Granting the requested parking variances will impact the neighborhood very negatively; therefore, it is recommended that the request be denied

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Saybeen this on Recycled Paper

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing

RE: Case No. 94-137-A, Item No. 131

Petition for Variance

Petitioner: Paul Goodman, et al

Howard J. Needle, Esquire

Owings Mills, Maryland 21117

11100 Reisterstown Road

on this case. Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 12, 1993,

Baltimore County Government

Office of Zoning Administration

and Development Management

October 29, 1993

(410) 887-3353

and a hearing was scheduled accordingly. The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and patitions filing requirements can file their petitions with this office without the necessity of a preliminary review by soning personnel.

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-26-93

Ms. Charlotte Minton

Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, NARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: October 14, 1993

SUBJECT: 1002 Reisterstown Road

INFORMATION:

Item Number: 131
Petitioner: Paul Go

Property Size:

Zoning: B.L.-C.N.S

Requested Action:

SIDMARY OF RECOMMENDATIONS

The subject property is located in the center of the Pikesville Revitalization District. An inspection of the area in the immediate vicinity of the applicant's request revealed many successful businesses which compete for limited parking opportunities.

Other variances for parking have been granted in the area, and the granting of additional variances could have a detrimental effect on existing business and the on going revitalization efforts.

Without adequate documentation that sufficient off-site parking can be secured, this office cannot support a parking variance at this time.

Prepared by:

PK/JL:rdn

ZAC.131/PZONE/ZAC1

Pg. 1

Baltimore County Government
Department of Permits and Licenses

October 8 199

111 West Chesapeake Avenue October 8, 1993 Towson, MD 21204

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam #2001 Codd Avenue 130 (RT)

Paul Goodman #1002 Peisterstown Road +131 (RT)

Colonial Village Company #7002 Reisterstown Road - Colonial Village Shopping Ctr.

Iron City Sash and Door #2202 Halethorpe Farm Road +133 (JLL)

Pavid Wayne Johnson and Tera Lee Johnson #11 Horse Chestnut Court *8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni #232 Antietam Road *135 (JCM)

Charles D. Lowe and Sharon A. Lowe #1900 Dineen Drive 136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of Rita S. Holland #13224 Fork Road 137 (JJS)

The Pines at Deep Run Limited Partnership #5,6,7, & 8 Deep Run Court + 138 (MJK)

Fobin Barbagallo and Francis S. Barbagallo, Jr. #1301 Evergreen Lane

Printed with Soybean Ink on Recycled Paper

BALTI PORE COUNTY, MARYL

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

PROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: November 4, 1993

SUBJECT: 1002 Reisterstown Road AMENDED

Item Number: 131

Petitioner: Paul Goodman

Property Size:

Zoning: B.L.-C.N.S.

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and Zoning withdraws its opposition to the requested variance. Based upon discussions with the Peritioner's representatives and the Economic Development Commission, staff defers to the position outlined by F.D.C.

Prepared by: Jekhan il JergDivision Chief: Cail Lines

PK/JL:lw



Pa.

770171.1 270NF 720

94-137/P

20NING COMMISSIONER

BALTIMORE COUNTY
DEPARTMENT OF ECONOMIC DEVELOPMENT
INTER-OFFICE MEMORANDUM

Arnold Jablon Director

FROM: Adam Wasserman Deputy Director

RE: Parking Variance for Puffins Restaurant - 1002 Reisterstown Road, Item #313 /3/

DATE: November 8, 1993

The Baltimore County Department of Economic Development supports the decision of the Pikesville Chamber of Commerce in regard to the parking variance request for Puffins Restaurant. In cases such as this where there is a strong and active local organization in a community representing the interest of business, it is important for this department to support that effort.

We understand the Pikesville Chamber of Commerce has worked with the property owner and tenant to ensure that they take seriously the need for additional parking in town center in the long-term. They have created an approach to solving Pikesville's future parking issues that will require all property owners, tenants, etc., to take responsibility in some form or other.

Certainly, the expansion of this restaurant serves the best interests of the community, and we want to work with the Chamber in assuring its continued growth and success.

c. Dave Green, Office of Planning
Gabe Rosenbush, Pikesville Chamber of Commerce
Howard Needle, Needle, Montague and Frank

NEEDLE, MONTAGUE AND FRANK, P.O.
ATTORNEYS AT LAW
11100 REISTERSTOWN F
OWINGS MILLS, MARYLAN

Tel. (410) 363-1771 Fax (410) 363-238f

Of Counsel:
Susen B. Dubin
Ethics Counsel
William 1. Weston

January 14, 1994

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for
Baltimore County
Old Court House
Towson, MD 21204

Re: Case No. 137A
Puffins Restaurant
1000 1/2 Reisterstown Road

JAN
ZONING COMMISSIONER

Dear Mr. Kotroco:

My clients, Paul Goodman, the property owner, and Mr. & Mrs. Donald Gorman, lessees and owners of Puffins, Inc., have asked that I express to you their objection to the conditions imposed upon them in your decision in this case. They did not appeal the decision, as they feel the need to operate immediately the restaurant and bar in the subject premises which is permissible pursuant to your decision. However, they do want to go on record as expressing their objection to the imposition of conditions, and question the authority of your office to impose or enforce those conditions without an agreement or consent from the property owner and/or the tenant. They simply do not want for the use of this property, pursuant to your decision, to be construed as a waiver of their objection and their right to challenge it at any time in the future.

Many thanks again to you for the courtesies you extended to me throughout these proceedings.

Very truly yours

cc: Mr. Jeff Goodman Mr. Donald Gorman Pikesville

November 8, 1993

Mr. Lawrence Schmidt Zoning Commissioner Balto. County County Courthouse Towson, Md. 21204

Re: Case 94: 137 -A

Dear Mr. Schmidt:

This is to advise you that the Zoning Committee of the Pikesville Chamber of Commerce met with the Petitionor in the above mentioned case and has reviewed all information supplied by their attorney.

It is understood that under the new parking requirements which we were informed became effective on September 25, 1993, the parking requirements for standard restraurants is 16 cars per thousand square feet of floor area.

It has always been the desire of the Chamber of Commerce to see created RESTRAUANT ROW in the 1000 Black of Reisterstown Rd. and therefore we encourage the use proposed by the petitioner.

However, we feel that there are several factors which enter into our support and submit herewith that any order granting the petitioners request must contain the following conditions in order to gain the full support of the Pikesville Chamber of Commerce in this matter. These conditions are as follows:

1) In the event that the variance granted is not utilized within a period of two (2) years from the date of its grant, then in that event the variance will cases and the property will revert to its then current underlying zoning and applicable parking regulation. Further, in the event the use proposed shall cases and a new and different use be utilized, then in that event the variance will cases and the property will revert to its then current underlying zoning and applicable parking regulation.

2) In the event that any new additional parking facilities, public or private for which there is a charge, are established within 500 feet of the subject property and which are made eveilable to the public during normal business hours, the Petitioner shall negostiate in good faith and subsequently enter into an agreement which is aconomically feesible to the Petitioner, and which will provide either for a lease, a purchase, a validation program or any similar program which maybe approved by the Zoning Commissioner, to offset the parking variance for the specific use which is being proposed at this time.

Provided that these conditions are written in your order, the Pikesville Chember of Commerce will support fully the Petitioners requests.

Sebriel W. Rosenbueltur. Cheirmen
Zoning Committee . Pikeeville Chember of Commerce

cc: Sid Friedman, Pres. PCC Howard Needle, Esq.

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET			
Donald German Left Goodman Babe Rosenbush David Uhlfelder	Revenue Authority Puffins-ion Reistentom Ro 4225 Skotorol Rol Delhond 12 PORox 32122 Pikes: 1/4 1/2 4 Reservant Circle 21204		

Beltimore County Revenue Authority FCEIVED NOV 0 2 1993 115 TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5350 TELEPHONE (410) 087-3127

October 29, 1993

Howard J. Needle, Esq. 11100 Reisterstown Road Owings Mills, MD 21117

Dear Mr. Needle:

In response to your request for information regarding use of the Baltimore County Revenue Authority's Sherwood Avenue and Pikes Theatre lots, the following observations were made this

FAX (410) 206-7488

Friday Wednesday Thursday 10/28/93 10/29/93 Total 12:20 p.m. 12:40 p.m. Spaces 65 Pikes Theatre 29 Sherwood Avenue

Please feel free to call if I can provide any additional information.

> Very truly yours, George E. Hale Executive Director

GEH/mls1A-064

The second secon

IN RE: PETITION FOR ZONING VARIANCE (1000 Reisterstown Road) 3rd Election District

-

Intersection SW/S Reisterstown Road and NW/S Sherwood Road 2nd Councilmanic District Paul Goodman

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

المستعلق للشاميل والمراوات الماروز والمناكرية المواز والمناكرة

Case No. 88-229-A Petitioner

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit four (4) off-street parking spaces in lieu of the required 42.

Donald Gorman, one of the Stockholders in Puffins, Inc., the Lessee, appeared and testified on behalf of himself and his wife, Renee Gorman, the other stockholder. Also testifying on behalf of the Petitioner were the following: John J. Dillon, Jr., Northwest Area Planner from the Baltimore County Office of Planning and Zoning: Kenneth Mills, Deputy Director of Baltimore County Revenue Authority; and Evelyn Burns, Executive Director of both the Pikesville Community Growth Corporation, hereinafter referred to as PCGC, and of the Pikesville Chamber of Commerce. There were no Protestants.

It should be noted that the Plat of the property marked as Petitioner's Exhibit 1 reflects, and testimony explained, that one structure covers the properties known as 1000, 1002 and 1004 Reisterstown Road, which have, respectively, 2,080 square feet of proposed restaurant space, 1,360 square feet of retail space, and 3,670 square feet of retail space. They require, respectively, 42, 7 and 19 parking spaces under the Baltimore County Zoning Regulations (B.C.Z.R.), for a total requirements of 131 spaces. However, the narrow issue presented concerns the property at 1000 Reisterstown Road to be utilized by Puffins, Inc., a restaurant previously located two blocks north of the subject property at the intersection of Reisterstown Road and Church Lane.

NEEDLE, MONTAGUE AND FRANK, P.O. PRINGS MILLS, MARYLAND 21117 Tel. (410) 200-1771 Par (410) 200-2200

Konneth G. Mantague, Jr. Robert L. Frank

Of Coursell Suppr B. Dubbs

October 14, 1993

Mr. Gabriel Rosenbush Chairman Zoning Committee Pikesville Chamber of Commerce 7 Church Lane Pikesville, MD 21208

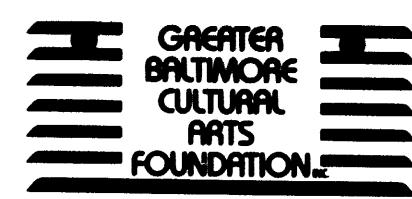
> Re: Petition for Zoning Variance for Puffins 1000-1/2 Reisterstown Road

Dear Gabe:

Many thanks for the courtesies extended to Don Gorman and myself at the meeting of the Zoning Committee of the Pikesville Chamber of Commerce the morning of October 11, 1993. Most importantly, thanks to the Zoning Committee and, presumably, the full Chamber of Commerce for supporting this Petition and for its testimony at the hearing scheduled for November 9, 1993.

In accordance with our discussion and the proposal made on behalf of Puffins, Puffins suggests that all of the property owners and merchants in the 1000 block of Reisterstown Road and nearby should meet and discuss means of support for the construction of a structured parking facility adjacent to the cultural arts facility to be built at the location of the Pikes Theater. As those property owners and merchants will benefit from such a facility, they should, together, work toward and support that development. Puffins looks forward to working with the Pikesville Chamber of Commerce and the Greater Baltimore Cultural Arts Foundation, Inc. and other interested groups and persons whose interests are the revitalization of Pikesville and the 1000 block in particular, in order to secure adequate parking and other amenities such as lighting and signage, etc. to bring new life and vitality to the area.

cc: Mr. Donald Gorman Mr. Paul Goodman



November 8, 1993

Zoning Commissioner Baltimore County

RE: Case 94: 137-A

Dear Mr. Schmidt:

Upon authority of the Board of Directors of the Greater Baltimore Cultural Arts Foundation, Inc., this letter addresses the official position of the Foundation in the abovementioned case.

Because of the partnership relationship that the Greater Baltimore Cultural Arts Foundation, Inc. shares with the Pikesville Chamber of Commerce in the continuing process of revitalization of the Pikesville community, our Board has unanimously supported a motion to support the position of the Pikesville Chamber of Commerce.

Members of the foundation's Board of Directors have participated in the meetings of the Zoning Committee of the Pikesville Chamber of Commerce and has reviewed all the information supplied by the Petitioner.

Vital to the success of revitalization will be the continuing success of the businesses in the Pikesville area. The opening of the Pikes Theatre site as a performing arts center will have an impact on the parking situation in the Pikesville area, however we can only anticipate that this is at best a situation which will not occur for 30 months.

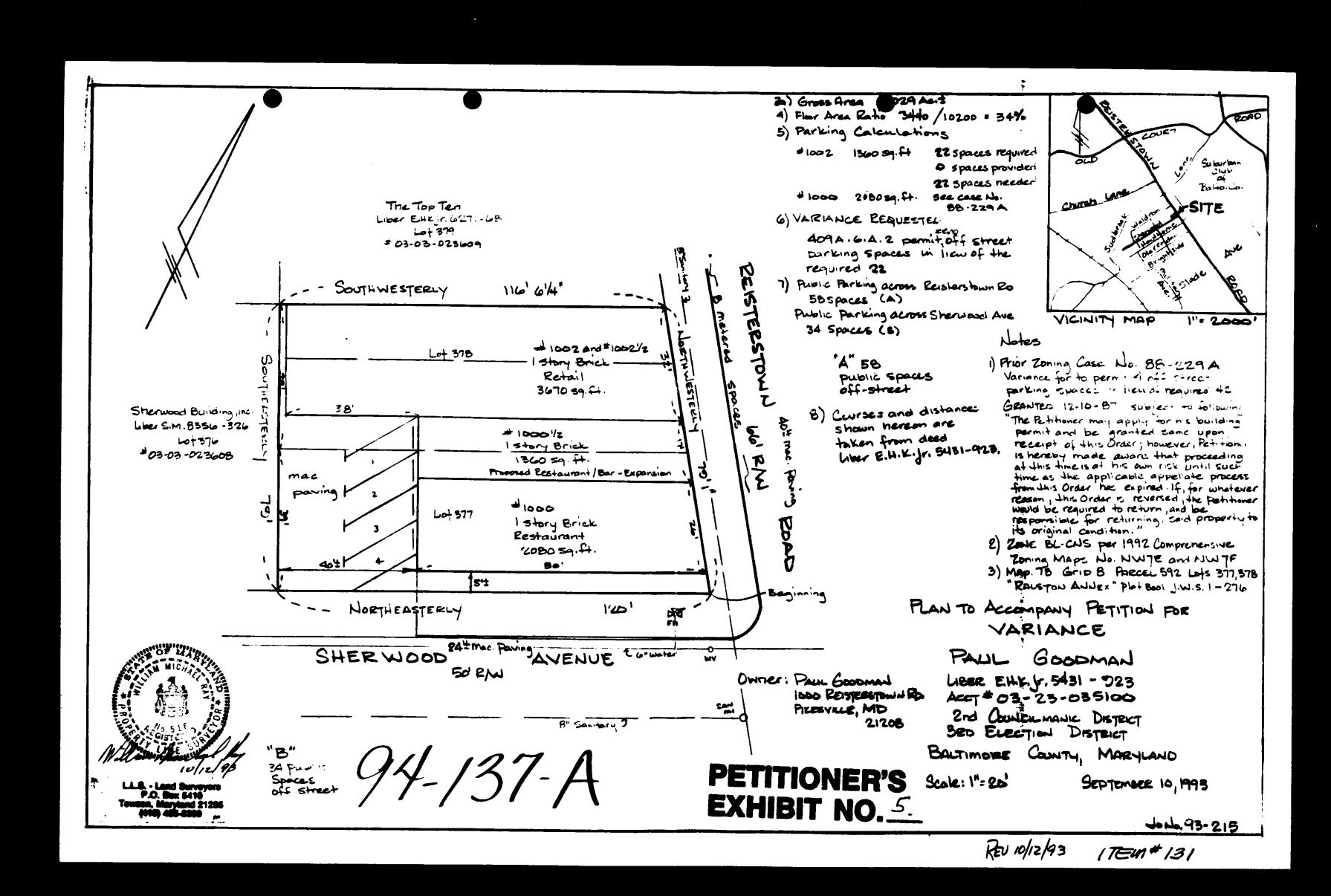
In recognizing the long-term parking needs of the greater Pikesville area, we are participating in a Parking Task Force created by Councilman Melvin Mintz and confident that the Task Force will create the initiatives which will resolve the present and long-term parking needs while at the same time supporting the continual growth of the present Pikesville businesses as well as those that will come in the future.

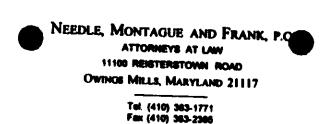


Greater Baltimore Cultural Arts Foundation, Inc.

cc Howard Needle, Esq.
Sidney Friedman, President, Pikesville Chamber of Commerce

4 Reservoir Circle • Suite 200 • Baltimore, Maryland 21208 (410) 653-2787





Kenneth C. Montague,

October 15, 1993

Mr. Marvin Morrison President Ralston Community Association 620 Military Avenue Baltimore, MD 21208

> Re: Puffins, Petition for Zoning Variance for Parking 1000-1/2 Reisterstown Road

Dear Marvin:

Because the address of the property and the zoning requirements under a new law effective September 25, 1993 were different than those stated on the original Petition and plat, a new Petition for Zoning Variance for Parking and plat have been filed on behalf of Puffins with the Zoning Commissioner of Baltimore County. I am enclosing that new Petition and plat, and ask you to destroy the old one that I previously had sent you and substitute these in their place.

The property had been described on the prior Petition and plat as 1002 Reisterstown Road, when it is actually 1000-1/2 Reisterstown Road. Further, the required number of parking spaces under the prior law was based on 20 spaces per 1000 square feet, and the new law requires only 16 spaces per 1000 square feet. Thus, the request for a parking variance is for 22 spaces in lieu of 0, rather than the 27 spaces in lieu of 4 previously thought to be applicable.

If you have any questions about these changes, please give me a

Again, the support of the Ralston Community Association is solicited on behalf of Puffins and your testimony at the hearing on November 9, 1993 at 9:00 a.m. is requested. In any event, please give me a call and let me know what action your organization takes on this

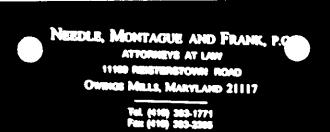
Thanks for your assistance.

Moward J. Reedle

Enclosures

cc: Mr. Paul Goodman Mr. Donald Gorman

PETITIONER'S EXHIBIT NO. 6



Hannel J. Handle Hannells G. Munkagus, Jr. Robert L. Frank

October 5, 1993

Mr. Marvin Morrison President Ralston Community Association 620 Military Avenue Baltimore, MD 21208

Re: Petition for Zoning Variance for Puffins

Dear Marvin:

I represent the landlord and tenant of 1000 and 1002
Reisterstown Road in connection with their Petition for Zoning
Variance for Parking as Puffins expands its operations. I am
enclosing a copy of the Petition and attached plat, which were
filed. The hearing on this Petition is scheduled for November 9,
1993 at 9:00 a.m. before the Zoning Commissioner in Towson.

The support and testimony on behalf of this Petition by the Ralston Community Association is solicited. If I can supply you with any further information, or make a presentation to a meeting of your Board of Directors or members, please let me know.

In any event, I would appreciate your call so that I may know the course of action being taken by the Ralston Community Association on this matter. Thanks for your anticipated assistance. Best personal regards.

Enclosure

cc: Mr. Paul Goodman Mr. Donald Gorman



